

PUBLIC HEARING—June 16, 1965

Appeal #8222 James C. Jefferson, et ux, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting, the following Order was entered on June 22, 1965:

**ORDERED:**

That the appeal for a variance from the use provisions of the R-2 District to permit a flat at 558 - 49th Place, N.E., lot 63, square 5182, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a frontage of 25 feet on 49th Place, depths of 82.06 and 78.19 feet to a public alley in the rear. The lot contains an area of 2421.66 square feet of land and is improved with a two story brick and cinder block building.

(2) Appellant states that the building has been used as a two-family residence; that in 1953 it was rented as one family and thereafter it was used as a two-family residence.

(3) No occupancy permit was ever issued for this use and therefore the two-family residence was in violation of the Zoning Regulations being located in the R-2 District which permits only one-family residences. Appellant stated that he was notified to appear before this Board for a hearing.

(4) Appellant stated at the hearing that the building has been used as a two-family dwelling since 1954 and that the building has three baths and two kitchens.

(5) There was no objection to the granting of this appeal registered at the public hearing. A party appeared at the hearing stating that the neighbors were in favor of the granting of this appeal.

**OPINION:**

We are of the opinion that appellant has failed to prove a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations which requires a showing of exceptional narrowness, shallowness or shape of the property, or exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property.

The Board finds in this case that none of the above conditions exist on the property the lot being rectangular in shape with no unusual narrowness, shallowness or shape, being a normally shaped lot with a residence thereon, and further that the property has been used for two families in violation of the zoning regulations and therefore this relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map. Therefore, the Board has no alternative but to deny the appeal.